

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Christopher Carlo,)	CASE NO. 18 CV 31
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	
)	
Midwest Recovery Systems, LLC, <i>et al.</i>,)	<u>Order</u>
)	
Defendants.)	

Currently pending is defendant JTM Capital Management, LLC's motion for judgment on the pleadings (Doc. 12). This case arises out of efforts to collect a debt. In his brief in opposition to defendant's motion, plaintiff asks that the Court grant leave to file an amended complaint. Although the Court generally does not permit leave to amend when raised in a brief in opposition, the Court finds that leave is appropriate based on the facts of this case. As an initial matter, the motion was filed so near in time to the pleading amendment deadline that defendants will suffer no prejudice as a result. Moreover, the motion raises issues of unsettled law that may be unnecessary to address in the event plaintiff pleads additional facts supporting his theory of liability. Accordingly, leave to file an amended complaint is granted. The amended complaint must be filed within 14 days of the entry of this Order.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 6/26/18